

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 3751
BALL)
Serial No.: 10/732,726) Examiner: Robert M. Fetsuga
Filed: December 10, 2003) Confirmation No.: 2017
Atty. File No.: 5564-152)
For: *"Method and Apparatus for*) **DECLARATION OF BILL CARLSON**
Assembling and Sealing Bathtub) **PURSUANT TO 37 C.F.R. §1.131**
Overflow and Waste Water Ports")

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Bill Carlson declare as follows:

1. I am currently employed as a designer and drafter by WCM Industries, Inc., which has an interest in the instant application. WCM Industries, Inc. is comprised of Woodford Manufacturing ("Woodford") that manufactures and sells yard hydrants, wall hydrants and wall faucets and WATCO Manufacturing ("Watco") that manufactures and sells bath drains and bathtub products.

2. This Declaration is being submitted in connection with prosecution activities for the instant application. More specifically, this Declaration is submitted pursuant to 37 CFR § 1.131 in response to an Office Action dated April 15, 2010 in which U.S. Patent No. 6,192,531 to Fritz et al. ("Fritz") having a filing date, and effective prior art date, of December 1, 1999, was cited under 35 USC § 103(a) in combination with other references as rendering various claims obvious.

3. Upon information and belief, in early November 1999, Mr. William T. Ball discussed the apparatus of Claim 21, the method of Claim 11, Claim 24, which was originally called the Schedule 40 Overflow Elbow that later was known as the "Innovator", and the assembly of Claim 24 with me.

4. Upon information and belief, Mr. Ball asked me to model and draw the invention and portions thereof, including, a threaded elbow, a wheel or flange nut and a cover plate.

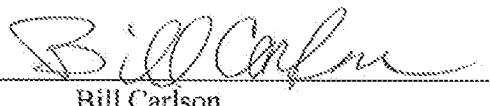
5. Upon information and belief, the first concept drawings were completed by me on December 7, 1999. Exhibit A is an annotated copy of engineering drawings I provided to Mr. Ball where my initials "BC" may be found near the date shown on the drawing. For example, Exhibit A shows the lugs and membrane contemplated by some embodiments of the invention.

6. Upon information and belief, I recall these events because WCM Industries was in the process of taking steps to upgrade the Computer Aided Design System, which occurred in 2000.

7. Upon information and belief, embodiments of the present invention were refined and alternate embodiments were modeled and drawn. Exhibit B is provided to show one alternative embodiment of the present invention that was invented at least about February of 2000.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

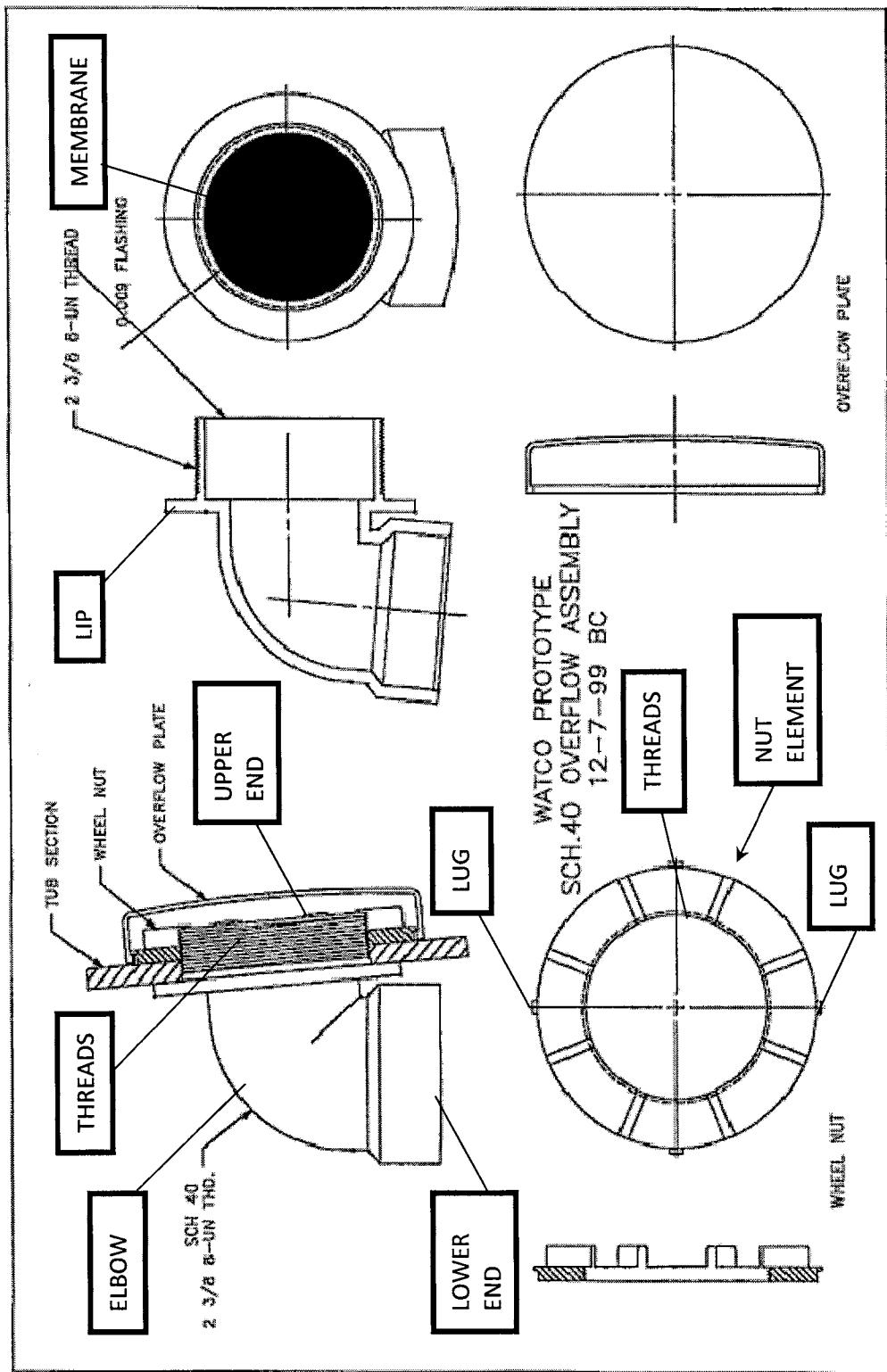
By:



Bill Carlson

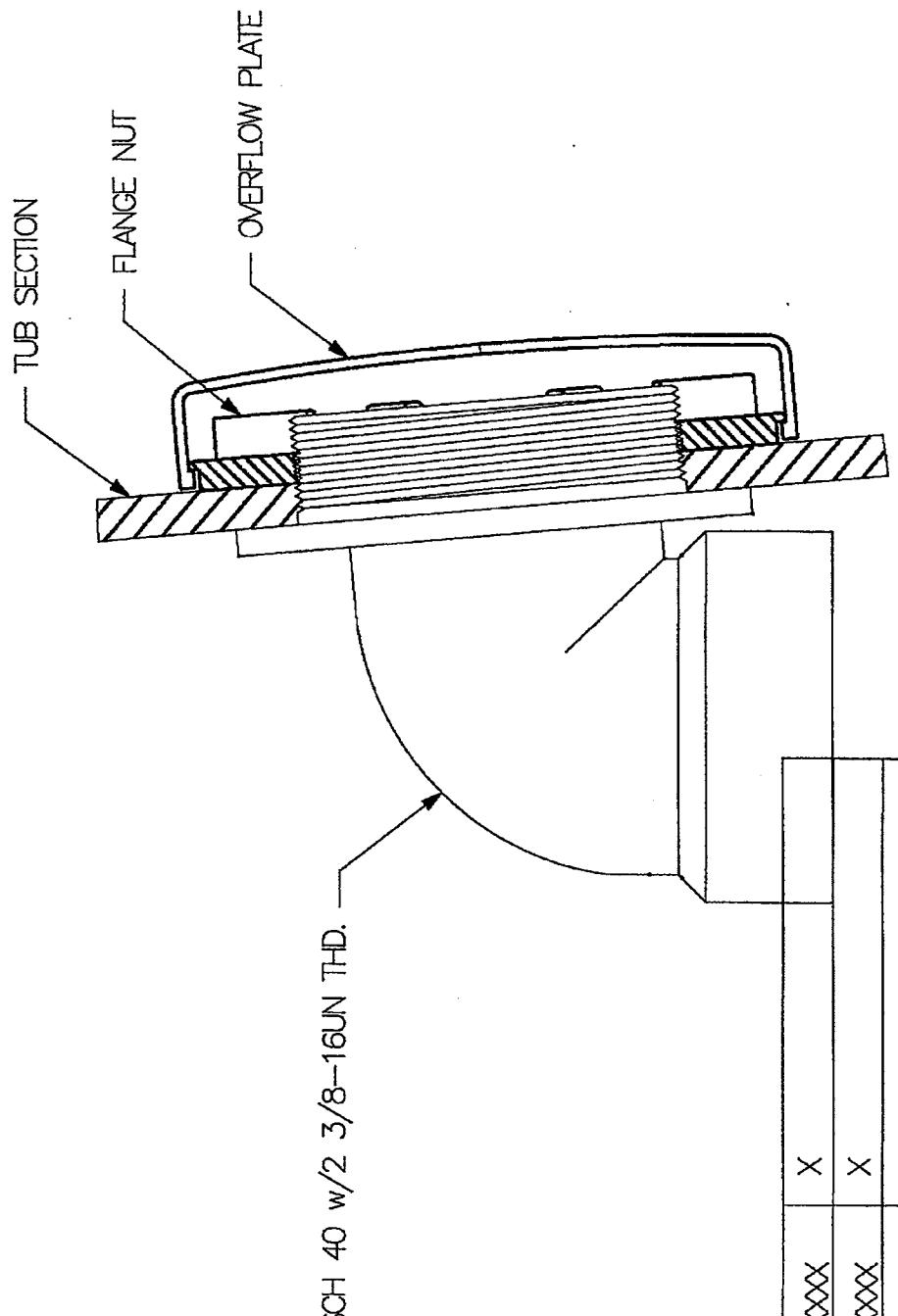
Date: 9-15-10

Exhibit A

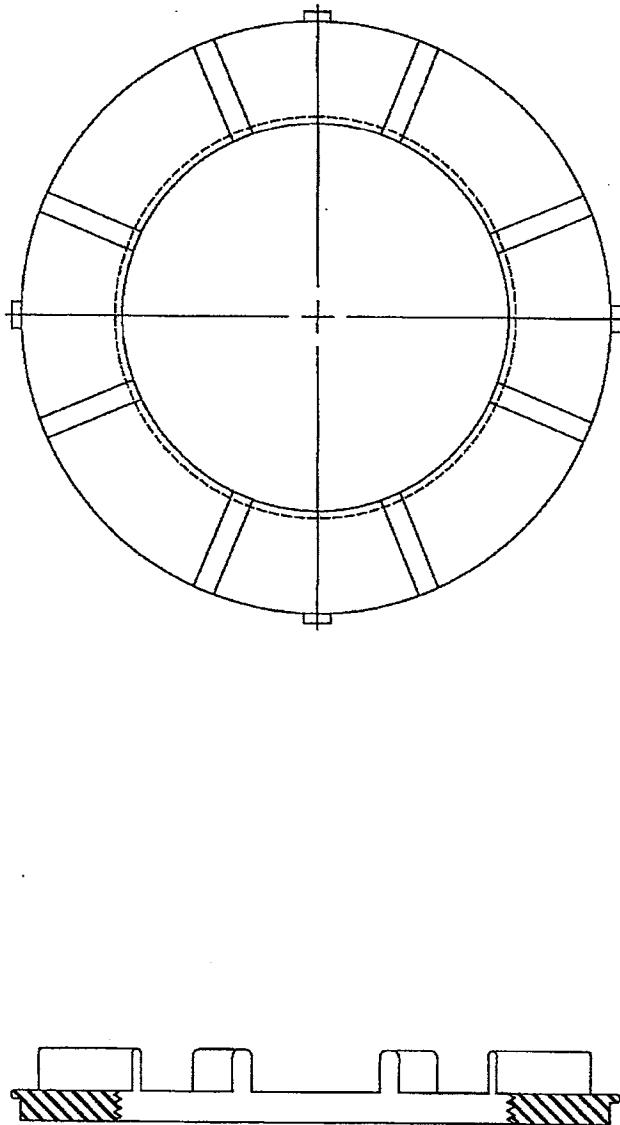


NAME		WHEEL AND OVERFLOW ASSY.		TOLERANCE UNLESS SPECIFIED	SCALE 1:1	WATCO MFG. CO. REVISION	PART NO.	WO_0001	BY	CH	EC.	DATE
FOR	SCH. 40 OVERFLOW (PROTOTYPE)	DECIMALS TWO PLACE	DECIMALS THREE PLACE	FRACTIONS ±1/64	ANGLES ±1/2	SURFACE TEXTURE 35						
MATL	X											

WCM INDUSTRIES, INC.
COLORADO SPRINGS, COLORADO



ITEM	PART NO.	DESCRIPTION
2	XXXXX	X
1	XXXXX	X



UPPER-LLOW PLATE

FOR	SCH. 40 OVERFLOW (PROTOTYPE)	1:1	W	MFG. Q.	NO.	WU_UUJ4
MATL	X					

WCM INDUSTRIES, INC.
COLORADO SPRINGS, COLORADO

UNLESS SPECIFIED

DECIMALS	± .010
TWO PLACE	± .003
THREE PLACE	
FRACTIONS	± 1/64
ANGLES	± 1/2

SURFACE TEXTURE $\sqrt{6}$

D

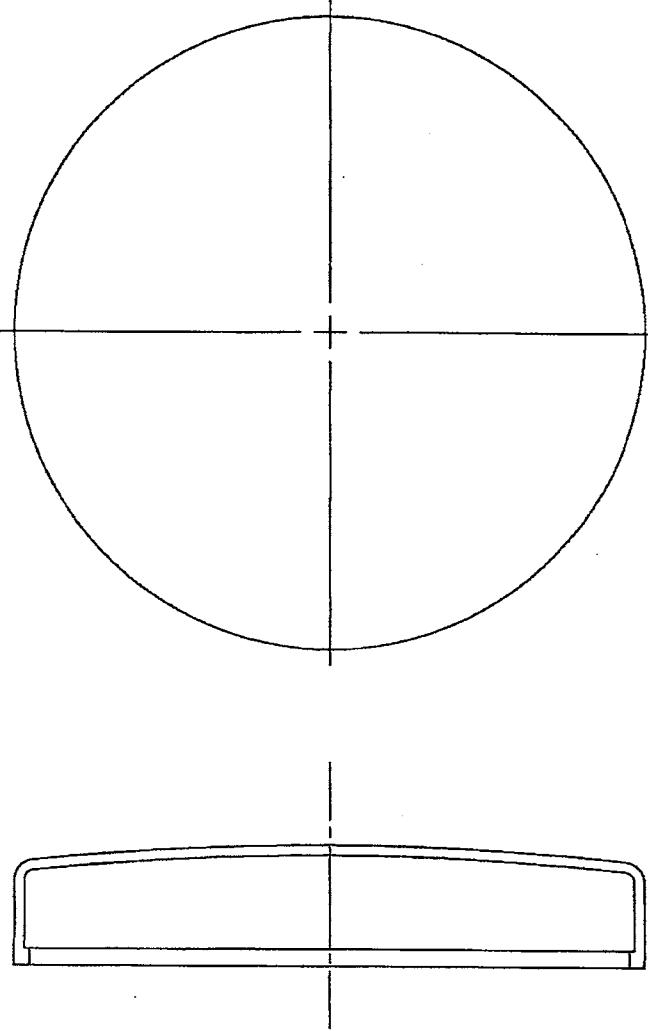
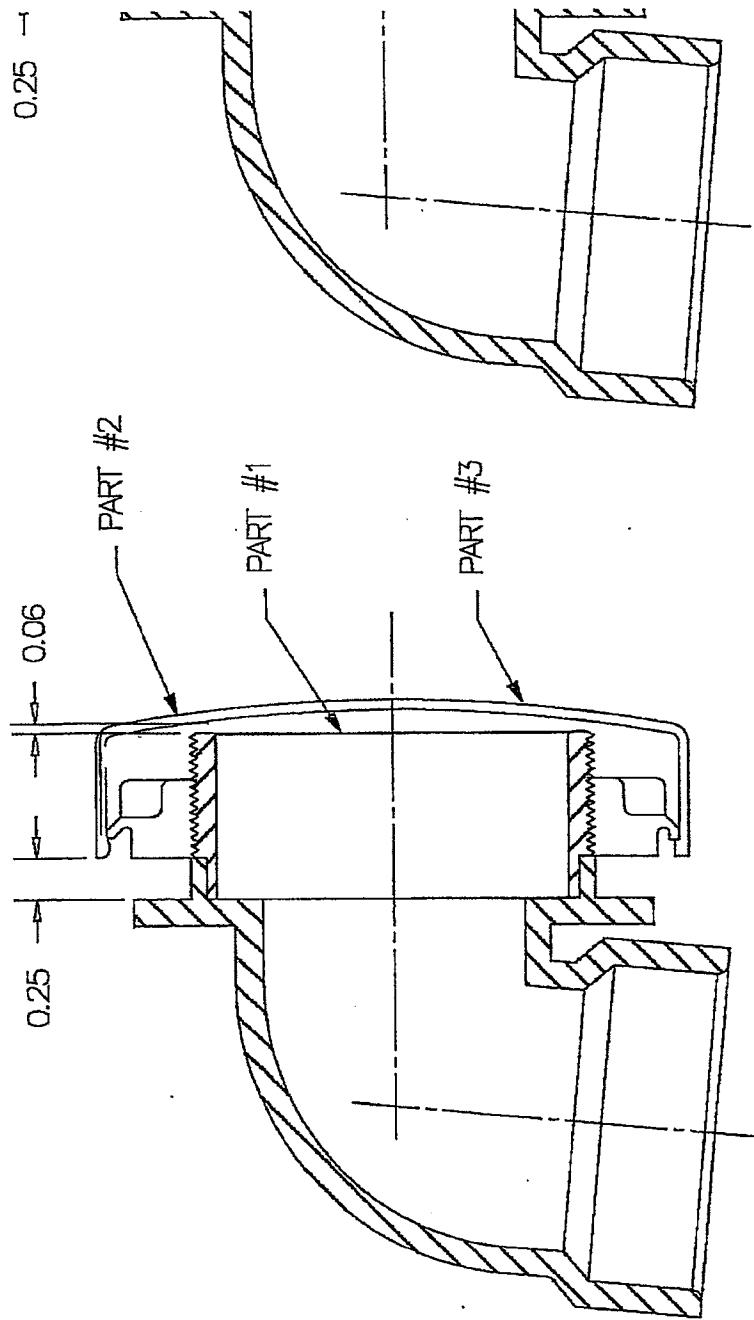
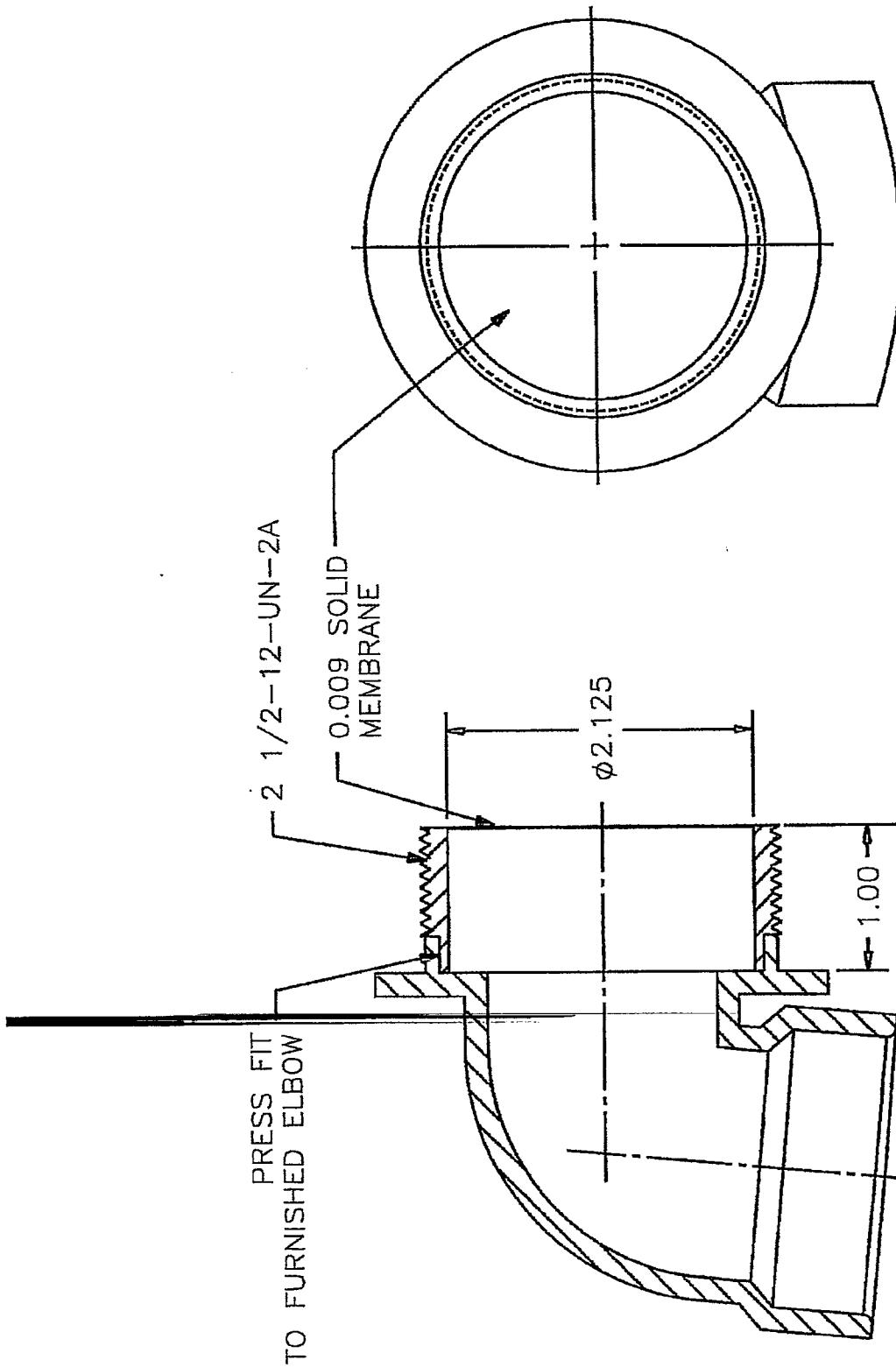


Exhibit B

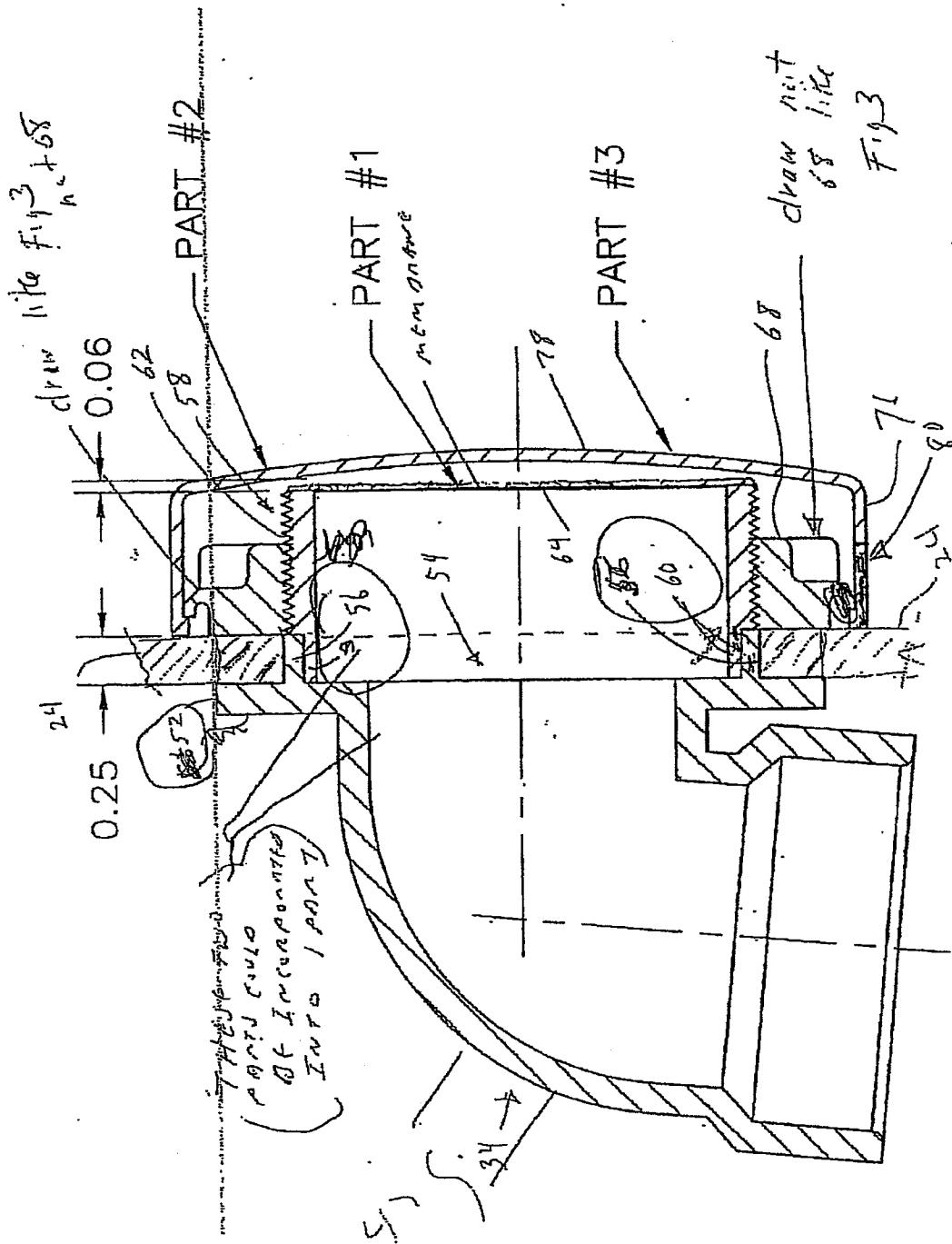


WATCO
OVERFLOW ELBOW PROTOTYPE
2/9/2000 bc

OVERFLOW
2/9/



WOODFORD
PART #1
2/14/00



WATCO
OVERFLOW ELBOW PROTOTYPE
2/9/2000 bc